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September 17, 2020

Via ECF

Hon. Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Türkiye Halk Bankası A.Ş.*, S6 15 Cr. 867 (RMB)

Dear Judge Berman:

I write on behalf of Defendant Halkbank to object to tomorrow's hearing on Defendant's Motion to Dismiss the Indictment (ECF No. 645) proceeding as scheduled.

Halkbank has petitioned the Second Circuit for a writ of mandamus regarding this Court's denial of Halkbank's motion to recuse the assigned judge (ECF No. 637). After this Court denied Halkbank's motion to stay pending resolution of the mandamus petition (ECF No. 664), Halkbank filed an emergency motion with the Second Circuit requesting a stay of proceedings in the District Court pending resolution of the mandamus petition. ECF No 23, *In re Türkiye Halk Bankası A.Ş.*, No. 20-3008 (2d Cir. 2020). In the motion, Halkbank contends that the assigned judge's resolution of the motion to dismiss would cause irreparable harm. Halkbank contends that no motion to dismiss hearing should go forward until the Second Circuit has had an opportunity to resolve the petition.

From the beginning, Halkbank has objected to this case proceeding until the recusal issue is resolved. At the June 30 scheduling conference, Halkbank requested that the briefing schedule for its motion to dismiss the indictment be set after the Court decided recusal. June 30, 2020, Hearing Tr., at 8:8–16. The Court instead set a briefing schedule that immediately followed briefing on recusal. *Id.* at 16:5–12. Halkbank reiterated its objection when it filed its motion to dismiss. ECF No. 645. When the Court denied Halkbank's recusal motion, Halkbank immediately moved to stay until the Second Circuit had an opportunity to resolve its mandamus petition and requested an expedited briefing schedule. ECF No. 649. After the Court denied the

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motion, Halkbank immediately moved for a stay from the Second Circuit. That motion is currently under consideration.

Halkbank respectfully objects to the hearing on Halkbank's motion to dismiss proceeding as scheduled.

Respectfully,

S/ Robert M. Cary

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cc: Counsel of record